

## § 3570.2

to obtain rights to develop deposits of asphalt on certain lands in Oklahoma. The regulations provide for this in the following manner:

(a) *Competitive leases* are issued for deposits of asphalt in Oklahoma without regard to the quantity or quality of the mineral deposit and allow the lessee to mine the deposit.

(b) *Fringe acreage leases* are issued noncompetitively for known deposits of asphalt in Oklahoma adjacent to existing mines on non-federal lands which can be mined only as part of the existing mining operation.

(c) *Lease modifications* are used to add known deposits of asphalt in Oklahoma to an adjacent Federal lease which contains an existing mine, provided the deposits can only be mined as part of the existing mining operation.

## § 3570.2 Minerals and lands subject to leasing.

By the Act of June 28, 1944 (58 Stat. 463, 483-485), Congress authorized the Secretary to acquire certain lands and mineral deposits in Oklahoma and amended the Act to authorize leasing of the asphalt on those lands. The lands and mineral deposits covered by the 1944 law are those reserved from allotment in accordance with the provisions of section 58 of the Supplemental Agreement of 1902 (32 Stat. 654) with the Choctaw-Chickasaw Nation of Indians. Congress ratified the purchase contract in the Act of June 24, 1948 (62 Stat. 596), and appropriated funds for the purchase in the Act of May 24, 1949 (63 Stat. 76).

## § 3570.3 Other applicable regulations.

Part 3500 of this title contains the general regulations governing the leasing of solid minerals other than coal and oil shale and supplements, as applicable, the regulations in this part. The regulations in part 3500 of this title include, but are not limited to, such matters as multiple mineral development, environmental review, other agency consent and consultation, and lands not available for leasing. Cross-reference to specific regulations in part 3500 of this title is provided in this part as an aid to the reader and is not intended to limit the applicability of

## 43 CFR Ch. II (10-1-96 Edition)

part 3500 of this title only to the cross-referenced regulations.

## § 3570.4 Allowable acreage holdings.

No person, company, association or corporation may hold, at any one time, either directly or indirectly, leases exceeding in the aggregate 2,560 acres.

## Subpart 3571—Lease Terms and Conditions

### § 3571.1 Applicability of lease terms and conditions.

Except as otherwise specifically stated, all lease terms and conditions set out under this section apply to all leases issued under part 3570 of this title. Each lease shall be issued on a form approved by the Director and shall be dated as of the first day of the month after its approval by the authorized officer unless the applicant requests in writing that it be dated the first day of the month in which it is approved. Each lease shall authorize, in accordance with its terms and conditions, the mining of asphalt.

### § 3571.2 Rental and royalty.

#### § 3571.2-1 Rental.

(a) Each lease shall provide for the payment of rental annually and in advance for each acre or fraction thereof during the continuance of the lease at the rate of 25 cents per acre or fraction thereof for the first calendar year, 50 cents for the second, third, fourth and fifth calendar years, and \$1 for each calendar year thereafter. Rental is payable annually on or before January 1. The rental paid for any year shall be credited against the first royalties as they accrue under the lease during the year for which rental was paid.

(b) If the annual rental is not timely remitted, the lessee shall be notified by the authorized officer that, unless payment is made within 30 days from receipt of such notification, action shall be taken to cancel the lease. (See § 3509.4-2).

(c) Remittances of rental shall be made in accordance with § 3503.1 of this title.